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09/695,228	10/25/2000	Paul D. Marko	40554	2889

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Stacey J Longanecker  
Roylance Abrams Berdo & Goodman LLP  
1300 19th Street NW  
Suite 600  
Washington, DC 20036

EXAMINER
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HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2424

MAIL DATE	DELIVERY MODE
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09/01/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/695,228	<b>Applicant(s)</b> MARKO ET AL.	
	<b>Examiner</b> FARZANA HOSSAIN	<b>Art Unit</b> 2424	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                     |                                                                   |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                         | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 07/14/2010 has been entered.

### ***Response to Amendment***

2. This office action is in response to communications filed 07/14/2010. Claims 1, 2, 10, 13, 17 and 19 are amended. Claim 3 has been cancelled. Claims 4-9, 11, 12, 14-16, 18 and 21 are original. Claim 20 has been previously presented.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1 and 17 (and corresponding depending claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 07/12/2010 have been fully considered but they are not persuasive.

Regarding Claim 2, the applicant argues that Reiger does not identify program segments were or were not previously stored.

In response to applicant's arguments, Foster discloses shows an output device connected to the processing device (Figure 1,190). Foster discloses that the header file contains identification codes for the segments that indicate the order the segments are to appear in playback (Column 8 lines 21-67; Column 9, lines 1-23, STC used for synchronization of playback), and the ability to determine if the segments have been stored (Column 8 lines 15-35, using a buffer that continually adds data, then stores the data together, effectively determining if and when data should be stored). The rejection is maintained.

### ***Drawings***

4. The drawings are objected to because the figures contain hand drawn and handwritten elements. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where

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necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-5, 9, 12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al (6,801,536 and hereafter referred to as "Foster") in view of Weaver et al (US 6,112,226 and hereafter referred to as "Weaver") and Hiroshima et al (US 5801781 and hereafter referred to as "Hiroshima").

Regarding Claim 1, Foster shows a receiver in a digital broadcast system comprising a memory device for storing content transmitted in a broadcast signal

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(Figure 1 item 150, Column 4 lines 10-20, HDDI, the content comprising data files, each file being partitioned into segments that are in the broadcast signal (Column 3 lines 4-15, Column 4 lines 60-67, Column 5 lines 43-67, packets), the signal being provided with at least one header that comprises information indicating the number of segments that constitute one of the files, and information identifying the segments (Column 5, lines 40-67, Column 6 lines 38-64, type of data and block size, Figure 2). Foster further shows a reception device for receiving the transmitted broadcast signal and processing the signal to obtain the content including segments corresponding to the data files (see Figure 1), and a processing device connected to the memory device and reception device and being programmable to use at least one header in the transmitted broadcast signal to determine the size of (to allocate) at least one section in the memory for storing the data file (Figure 1, host processor and memory controller, Column 6 lines 50-65; Column 9, lines 1-15, FAT on storage medium), storing the segments of the data file in the allocated section (Figure 1, host processor and memory controller, Column 6 lines 50-65, Column 9 lines 1-15, FAT on storage medium) and to monitor the progress of the allocated section (Column 7 lines-1-471 using interrupts and time stamps to fill buffers that send data to the HDD).

Foster further discloses the a buffer size of 512 bytes of audio and video is defined by the MPEG-2 standard; however, the size of the buffers are essentially arbitrary and the particular sizes discussed and illustrated should be regarded as exemplary (Column 5, lines 32-42). As such, Foster does not clearly disclose the

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signal being provided with at least one header prior to transmission to the receiver and the use of the header comprising data to indicate how much of the memory device need to be allocated to store the data file.

In analogous art, Weaver discloses the signal being provided with at least one header prior to transmission to the receiver (Column 5, lines 28-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster to include the signal being provided with at least one header prior to transmission to the receiver (Column 5, lines 28-42) as taught by Weaver in order to provide data to the server to determine how to process the information (Column 5, lines 28-42) as disclosed by Weaver.

Hiroshima discloses the use of the packet header data to indicate how much of the memory device needs to be allocated to store the data file (see Figure 6, 122; Column 8, lines 32-45) for the purpose of preventing data loss by allocating corresponding memory size as needed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster with Hiroshima for having a buffer size with a packet header so to guarantee neither overflow nor underflow of the buffers.

Regarding Claim 4, Foster, Weaver and Hiroshima disclose all the limitations of Claim 1. Foster discloses that each segment has a header that identifies the total number of segments (Column 7 lines 12-18, unitary header provided for the total data block size) and an identification code (STC) (Column 8 lines 60-67, Column 9 lines 1-13, using look up table to identify the STC in

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storage location for playback). The STC code in the header indicates the order in the file (Column 7 lines 5-35, Column 9 lines 1-23, STC in header).

Regarding Claim 5, Foster, Weaver and Hiroshima disclose all the limitations of Claim 1. Foster discloses that the header indicates the size of the data that needs to be stored (Column 3 lines 5-15, Column 4 lines 38-55, Column 5 lines 40-67, Column 6 lines 38-64, Column 7 lines 12-18, type of data and block size, unitary header provides for the block size). Furthermore, Foster discloses a block size buffer, that uses the total block size, is used to store the data in the memory (Column 7 lines 1-18, block size buffer and total data block size in header).

Regarding Claim 9, Foster, Weaver and Hiroshima disclose all the limitations of Claim 1. Foster discloses that the header file contains identification codes for the segments that indicate the order the segments are to appear in playback (Column 8 lines 21-67; Column 9, lines 1-23, STC used for synchronization of playback), and the ability to determine if the segments have been stored (Column 8 lines 15-35, using a buffer that continually adds data, then stores the data together, effectively determining if and when data should be stored).

Regarding Claim 12, Foster, Weaver and Hiroshima disclose all the limitations of Claim 1. Foster discloses storage for storing a first portion of complete data files (Column 4 lines 10-25, HDD) and storage for second portions that are being received, or a buffer (Column 6 lines 38-65, Column 3 lines 1-15, storing data in buffer prior to storage on hard disk).



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Regarding Claim 17, Foster discloses a method of implementing a file transfer from a broadcaster to a receiver in a digital system comprising receiving a broadcast signal having content comprising data files, each file being partitioned into segments that are in the broadcast signal (Column 3 lines 4-15, Column 4 lines 60-67, Column 5 lines 43-67, packets), the transmitted broadcast signal being transmitted with at least one header that comprises information indicating the number of segments that constitute one of the files, and information identifying the segments (Column 5, lines 40-67, Column 6 lines 38-64, type of data and block size).

Foster further shows that after the buffer is full, the data is selected for storing on the hard disk (Column 7 lines 1-18, fixed size total data block is stored), storing the segments of the data file in the allocated section (Figure 1, host processor and memory controller, Column 6 lines 50-65, Column 9 lines 1-15, FAT on storage medium), allocating at least one section in the memory for storing the data file (Figure 1, host processor and memory controller, Column 6 lines 50-65, Column 9 lines 1-15, FAT on storage medium), analyzing the information in the header to identify segments (Column 5 lines 44-67, analyzing header), and storing segments in the portion of the memory corresponding to the file (Column 6 lines 38-65, storing data according to STC so data will be stored in correct sequence). See rejection of claim 1.

As such, Foster does not clearly disclose the signal provided with at least one header prior to transmission to the receiver and the use of the header

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comprising data to indicate how much of the memory device need to be allocated to store the data file.

In analogous art, Weaver discloses the signal being provided with at least one header prior to transmission to the receiver (Column 5, lines 28-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster to include the signal being provided with at least one header prior to transmission to the receiver (Column 5, lines 28-42) as taught by Weaver in order to provide data to the server to determine how to process the information (Column 5, lines 28-42) as disclosed by Weaver.

In analogous art, Hiroshima discloses the use of the packet header data to indicate how much of the memory device need to be allocated to store the data file (see Figure 6, 122; Column 8, lines 32-45) for the purpose of preventing data loss by allocating corresponding memory size as needed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination with Hiroshima for having a buffer size with a packet header so to guarantee neither overflow nor underflow of the buffers.

Regarding Claim 18, Foster, Weaver and Hiroshima disclose all the limitations of Claim 17. Foster discloses monitoring what data files have not been received and stored and stores them accordingly ability to determine if the segments have been stored (Column 8 lines 15-35, using a buffer that continually adds data until full, then stores the data together, effectively determining if and

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when data should be stored). By using this buffer, Foster is able to ensure data is fully received before storing the data onto the storage device.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Weaver and Hiroshima as applied to claim 1 above, and further view of Rieger, III (5,732,324 and hereafter referred to "Rieger").

Regarding Claim 2, Foster, Weaver and Hiroshima disclose all the limitations of Claim 1. Foster discloses shows an output device connected to the processing device (Figure 1,190). Foster discloses that the header file contains identification codes for the segments that indicate the order the segments are to appear in playback (Column 8 lines 21-67; Column 9, lines 1-23, STC used for synchronization of playback), and the ability to determine if the segments have been stored (Column 8 lines 15-35, using a buffer that continually adds data, then stores the data together, effectively determining if and when data should be stored). The combination fails to show generating an alert message when the segments of the data file have been stored in memory. Rieger shows alerting the user on an output device when data segments have been stored in memory (Column 5 lines 40-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination with the alert message, as taught by Rieger, so a user would be aware when data had been downloaded to the receiver.

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8. Claims 6-7 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Weaver and Hiroshima as applied to claims 4 and 17 above and further in view of Morrison (5,815,671).

Regarding Claim 6, Foster, Weaver and Hiroshima disclose all the limitations of Claim 4. The combination fails to show a data field comprising an expiration data for the data file. Morrison shows message data codes that determine different aspects of the sent data (Column 6 lines 14-67, Column 7 lines 1-65). Included in this data is time period data, which controls the receiving system to stop displaying certain data after a certain time period, effectively expiring the data (Column 7, lines 49-65, time period). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination with the ability to include auxiliary data that could express expiration time, as taught by Morrison, so the system would have more parameters to further control the display of data.

Regarding Claim 7 Foster, Weaver and Hiroshima disclose all the limitations of Claim 4. The combination fails to show a message identification code. Morrison shows that each message is assigned a message identification code to indicate which of a plurality of receivers are to receive the message (Column 6 lines 14-67, Column 7 lines 1-65) and the processing device being able to store a message with a certain code and discard other messages with different codes (Column 7 lines 15-46, using certain data and discarding others based on user preferences). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination with the

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ability to include message code data that could express more detailed data about a broadcast, as taught by Morrison, so the system would have more parameters to further control the display of data.

Regarding Claim 20, Foster, Weaver and Hiroshima disclose all the limitations of Claim 17. The combination Foster in view of Hiroshima fails to show a rebroadcast schedule. Morrison shows that rebroadcasts of data files are scheduled throughout a day (Column 6 lines 14-40). Furthermore, Morrison shows that the system operates the receiver to automatically tune to the rebroadcast signal, extracts elements which have not been stored, and storing these segments (Column 6 lines 14-40). Morrison shows a system that rebroadcasts data several times a day. If the system has not stored a rebroadcast file, this gives the receiver the opportunity to store the file. Furthermore, although not specifically stated, it is nonetheless inherent that a storage device, upon receiving any data, is always a "percentage full". It would have been obvious to one of ordinary skill in the art at the time the invention was made to the combination with the ability to rebroadcast and store certain files, as taught by Morrison, so that the system would ensure the receiver downloaded necessary tiles.

Regarding Claim 21, Foster, Weaver and Hiroshima disclose all the limitations of Claim 1. The combination fails to show a message identification code. Morrison shows that each message is assigned a message identification code to indicate which of a plurality of receivers are to receive the message (Column 6 lines 14-67, Column 7 lines 1-65) and the processing device being

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able to store a message with a certain code and discard other messages with different codes (Column 7 lines 15-46, using certain data and discarding others based on user preferences). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination with the ability to include message code data that could express more detailed data about a broadcast as taught by Morrison so the system would have more parameters to further control the display of data.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Weaver Hiroshima and Morrison as applied to claim 7 above, further in view of Wolzien (2003/0212996).

Regarding Claim 8, Foster, Weaver, Hiroshima and Morrison disclose the limitations of Claim 7. The combination fails to show that the code can correspond to a model of a car. Wolzien shows code identification information that identifies a type of car the user is driving (page 7-8 section 58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination with the ability to use car type data as in Wolzien so that information about a particular vehicle could be relayed to the user.

10. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Weaver and Morrison.

Regarding Claim 13, Foster shows a method of transmitting content files comprising partitioning the files into segments (Figure 2 data blocks), assigning

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the data files with identification codes for the segments that indicate the order the segments are to appear in playback (Column 8 lines 21-67, Column 9 lines 1-23, STC used for synchronization of playback, using look up table to determine the STC of data in memory), including the segments in the broadcast signal (Column 3 lines 4-15, Column 4 lines.60-67, Column 5 lines 43-67, packets), and

Providing the broadcast signal with each segment headers that identifies the total number of segments and an identification code (STC) (Column7 lines 5-35, Column 9 lines 1-23, Column 5, lines 40-67, Column 6 lines 38-64, type of data and block size, Figure 2). The STC code in the header indicates the order in the file (Column7 lines 5-35, Column 9 lines 1-23, STC in header, using look up table to determine the STC of data in memory).

Foster fails to show a message identification code.

In analogous art, Weaver discloses the signal being provided with at least one header prior to transmission to the receiver (Column 5, lines 28-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster to include the signal being provided with at least one header prior to transmission to the receiver (Column 5, lines 28-42) as taught by Weaver in order to provide data to the server to determine how to process the information (Column 5, lines 28-42) as disclosed by Weaver.

Morrison shows that each message is assigned a message identification code to indicate which of a plurality of receivers are to receive the message (Column 6 lines 14-67, Column 7 lines 1-65) and the processing device being

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able to store a message with a certain code and discard other messages with different codes (Column 7 lines 15-46, using certain data and discarding others based on user preferences). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster with the ability to include message code data that could express more detailed data about a broadcast as taught by Morrison so the system would have more parameters to further control the display of data.

Regarding Claim 14, Foster, Weaver and Morrison disclose all the limitations of Claim 13. Morrison further shows re-broadcasting data segments (Column 6 lines 25-40, repeated transmission).

Regarding Claim 15, Foster, Weaver and Morrison disclose all the limitations of Claim 13. Morrison shows message data codes that determine different aspects of the sent data (Column 6 lines 14-67, Column 7 lines 1-65). Included in this data is time period data, which controls the receiving system to stop displaying certain data after a certain time period, effectively expiring the data (Column 7 lines 49-65, time period).

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Weaver and Morrison as applied to claim 13 above and further in view of Wolzien.

Regarding Claim 16, Foster, Weaver and Morrison disclose all the limitations of Claim 13. The combination fails to show that the code can correspond to a model of a car.



Wolzien shows code identification information that identifies a type of car the user is driving (page 7-8 section 58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination with the ability to use car type data as taught by Wolzien so that information about a particular vehicle could be relayed to the user.

***Allowable Subject Matter***

12. Claims 10 and 19 are allowed.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Mondays and Wednesdays 8:00 am to 1:00 pm, Tuesdays, Thursdays and Fridays 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FARZANA HOSSAIN/  
Primary Examiner, Art Unit 2424

August 20, 2010